

## REMARKS

An Office Action was mailed in the above-captioned application on September 9, 2003. In such Office Action claims 1-7 were pending. Claims 3-5 were allowed. Claims 1, 2, 6, and 7 were finally rejected. This Amendment and Remarks document is submitted in response to said Office Action.

### Claims 1, 2, 6, and 7

The Examiner has rejected Claims 1, 2, 6, and 7 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner has also rejected Claims 1, 2, 6, and 7 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants do not acquiesce in these rejections; however, in the interest of expediting prosecution, Claims 1, 2, 6, and 7 have been cancelled. Applicants reserve the right to pursue the cancelled subject matter in a continuing application.

### Claims 3-5

Applicant acknowledges with thanks the Examiner's evaluation that Claims 3-5 are allowed.

### Closing Remarks

Rejected claims have been cancelled. Only allowed claims are pending in the application. Applicants request that the Examiner reconsider the application and issue a Notice of Allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing

of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

Date: December 8, 2003



Darla G. Yoerg, #48,053  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065

cc: A. Andrus, J. Harre, V. Appleby

S:\CLIENT FOLDERS\GILEAD (FORMERLY NEXSTAR)\NEX82\DIVISIONAL\NEX82D OA RESPONSE 2.DOC